



Liquor and Tobacco Advisory Board Minutes
Tuesday, June 16, 2020
6:00 P.M. – City Council Chambers, 2nd floor, City Hall
Via video conference on Cisco Webex
425 East State Street
Rockford, IL 61104
779-348-7163

Present:

LTAB Members:

Dan Roszkowski
Craig Sockwell
Jennifer Smith
Kim Johnsen
Maurice Redd
Tom Fabiano
Jennifer Spencer

Absent:

Staff:

Lafakeria Vaughn – Assistant City Attorney
Chad Baker – Assistant City Attorney
Leisha Kury- Administrative Assistant
Scott Capovilla – Planning and Zoning Manager
Jeremy Carter – Traffic Engineer
Glenn Trommels - Information Technology Director
Mike Rotolo- Fire Prevention Coordinator

Others:

Alderman Bill Rose
Alderman Joseph Chiarelli
Alderman Linda McNeely
Alderman Venita Hervey
Alderman Chad Tuneberg
Alderman Tuffy Quinonez
Kathy Berg- Court Stenographer
Applicants and Interested Parties

The same format and rules of procedure given by Lafakeria Vaughn at the ZBA meeting were followed for this virtual meeting.

Due to the COVID-19 pandemic and social distancing restrictions, this public hearing for the Liquor & Tobacco Advisory Board was held by video conference, using Cisco Webex. The audio was streamed at City Hall in Council Chambers and on the City's website.

As the host, she would be monitoring microphones and attendees during the meeting. Notices and agendas were posted and sent about this meeting which informed interested parties about the ways they could submit comments and questions regarding agenda items. This included: written public comments being submitted by 5:00 pm, on June 16th to Attorney Vaughn's email, or the City's payment drop box located at City Hall or coming to City Hall to listen to the meeting and present any comments in Council Chambers.

The agenda and staff recommendation packets were also posted on the City's website. All applicants on the conference had previously consented to proceeding with the virtual hearing. Some additional rules for the meeting:

- Please speak clearly and not too fast so the court stenographer can make an accurate record.
- Please be sure to identify yourself before speaking.
- Applicants and interested parties, after being sworn in by the Chair, please state and spell your name for the record.
- If you're not speaking and I fail to mute you, please mute yourself so that the meeting is not disrupted.
- No person will be allowed to speak unless they are first recognized by the Chair.
- All votes will be by roll-call.
- Since we're on video /audio, please refer to exhibits or page numbers, if applicable. All exhibits should have been provided prior to the meeting and within the recommendation packet. Due to this being a virtual hearing, applicants if you have any new exhibits that you want considered by the Board for your request, you may request a layover. Those exhibits will also need to be provided to Staff and the public as part of the complete packet.
- If you are having any technical issues, please use the chat box function and send a message directly to me "Lafakeria" or use the raise your hand function.
- Applicants, should you have technical issues or decide to lay your item over instead for whatever reason, please let the Board know when your item is called.
- LTAB applicants were given the option to be put "in the lobby" on the conference. This means that they would not be able hear or see anything during the ZBA meeting.

Lastly, the procedure would be as follows:

- The Chair will call the address of the application.
- The Applicant or representative will be unmuted and be sworn in.
- The Applicant or representative will present their request to the Board.
- The Board will ask any questions they may have regarding this application.
- The Chair will then ask if there are any Objectors or Interested Parties comments to be read into the record or anyone at City Hall. Individuals at City Hall will be given the opportunity to speak and they will be sworn in. Then, Legal will read any written comments into the record that were received in advance.
- The Objector or Interested Party will state their name and present all their concerns, objections and questions regarding the application.
- The Board will ask any questions they may have of the Objector or Interested Party.
- The Applicant will have an opportunity to rebut the concerns/questions raised.
- Interested party at City Hall will have another opportunity to provide any additional follow up based on the Applicant's responses.
- The Board will then deliberate and a roll call vote will be taken.

The LTAB meeting is not a final vote on any item. However, it is the only time in which the public may participate. After the LTAB meeting, the item moves on to the Code & Regulation Committee. Although the public is invited to attend the meeting, public input is not allowed at the committee meeting. The date of the Codes & Regulations meeting will be Monday, June 22, 2020 at 5:30 PM in City Council Chambers (2nd floor of City Hall) as the second vote on these items. The third and final meeting in this process is the City Council. That vote is tentatively scheduled on Monday, July 6, 2020. If the item is laid over at the LTAB meeting, the next meeting is Tuesday July 21, 2020. If for any reason the item is laid over at the committee level or on the city council floor, the item is automatically laid over for two (2) weeks.

The meeting was called to order at 8:15 PM. A **MOTION** was made by Kim Johnsen to **APPROVE** the May 19, 2020 meeting minutes amending the heading to say "Minutes" instead of "Agenda." The motion was **SECONDED** by Maurice Reed and **CARRIED** by a vote of 6-0 with Jennifer Spencer abstaining.

20-LTAB-002

Applicant
Ward 09

3118 North Rockton Avenue

Harwinder Kaur d/b/a Rockton Street Market

Sale of packaged liquor in conjunction with a grocery store in a C-2,
Limited Commercial Zoning District

Laid over from February & April

The applicant, Harwinder Kaur, was present along with his attorney, Jim Rodriguez. Attorney Rodriguez stated they are requesting the sale of packaged liquor at the North Rockton Ave location, which was a former Ace hardware store. The subject property is located on the west of North Rockton Avenue directly west of the North Rockton Avenue and Paradise Boulevard intersection. The parcel is surrounded by commercial and residential uses.

Attorney Rodriguez stated the revised site plan that was submitted would be the layout of the interior of the store. The store is 15,000 square feet and this grocery store could provide great value to the neighborhood. They will be able to provide the following: traditional grocery aisles, general merchandise, deli, frozen food, drinks and fresh produce. They would have two liquor areas. The stores hours would be Monday - Saturday: 8:00 am to 12:00 am & Sunday 8:00 am to 11:00 pm based on the revised business plan. The security plan includes having sixteen (16) cameras that would monitor the interior of the store and the entrance. They would also have cameras at the exterior of the entrance to monitor the outside portion of the property. Attorney Rodriguez further stated if in the future, the security becomes a problem, they are willing to hire security personnel on site. They plan to hire fifteen (15) employees at the grocery store. They believe this grocery store would fulfill the needs of the neighborhood.

Maurice Redd inquired what former business occupied this space. Attorney Rodriguez stated it was the former Ace Hardware.

Kim Johnsen asked if the applicant has any experience with retail or operating a grocery store. Mrs. Kaur stated she has over ten (10) years in retail experience. Ms. Johnsen asked if she managed or owned the retail store. Attorney Rodriguez responded they own a small liquor store in the North Town Mall for the last ten years.

Ms. Johnsen further asked if the applicant has submitted an updated site plan or architectural renderings. Attorney Rodriguez stated that they did submit an updated site plan, and emailed it to Attorney Vaughn on Monday afternoon. Ms. Johnsen inquired whether there was updates to the business plan related to the percentage of sale for alcohol. Attorney Rodriguez said that original estimate may have changed, but their plan was to sell more groceries and hope that the estimation of groceries would increase and outsell the liquor.

Dan Roszkowski asked staff if they had any concerns with the liquor license request. Scott Capovilla stated their concern was the high percentage of alcohol sales listed in the business plan at 40% when the typical grocery store only sells 10-15% for liquor sales. There was a lot of concern from residents around the neighborhood as well.

Craig Sockwell asked Attorney Rodriguez to verify the hours because it was different than what he had in his packet. Attorney Rodriguez stated there was a mistake in the original business plan and verified the hours of Monday – Saturday 8:00 am to 12:00 am and on Sunday 8:00 to 11:00pm.

Attorney Rodriguez responded to Mr. Capovilla's comments about objectors. The objector pointed out that the area within the site plan should be limited to 20 – 30 % for the sale of liquor. Attorney Rodriguez stated that the current site plan has 22% of the store layout for liquor sales.

Jennifer Spencer asked Mr. Capovilla if there are already other liquor stores around the area. Mr. Capovilla responded there are two gas stations that are located across the street, and another gas station a couple of blocks down the street that sell alcohol. Two of those places offer full packaged liquor.

Staff Recommendation is for Denial. Objectors or Interested parties were present. One email was read into the record.

Alderman Bill Rose shared the concerns that Mr. Capovilla had mentioned earlier with the expansion of liquor sales along the stretch of road. Alderman Rose met with Northwest Corporation that represents churches in the Northwest region, who are opposed to any liquor expansion on the site. They do not believe it will benefit the neighborhood or be positive. They believe there is still an opportunity to have a grocery store at that location which does not sell alcohol.

Alderman Venita Hervey mirrored Alderman Rose's comments. She mentioned that is a very high percentage of alcohol sales compared to groceries. Alderman Hervey further stated that it is a liquor store that has groceries set aside. Although there is a low margin on sales for groceries, she felt that there was still a low percentage of the store space dedicated to groceries. Alderman Hervey also expressed her concerns with the saturation of liquor stores in that area.

Karen Walsh, realtor for the subject property, spoke on behalf of the applicant. Her company worked for two (2) years to bring a large scale grocery store into that market, but has been unable to do so. Ms. Walsh echoes Alderman Hervey's comments that grocery does not have a high enough profit margin to be supported in that area by a business that is only grocery. Mrs. Walsh also mentioned her husband works in the area and he echoed the need for a grocery store in that area.

Alderman Tuffy Quinonez spoke against the applicant, and mentioned he has fielded several concerns from objectors in the area. Alderman Quinonez mentioned he would not support at City Council.

Tom Walsh spoke in support of the applicant. Mr. Walsh is President of Northwest Bank, a company in that same center as the applicant. Mr. Walsh believes that the applicant's business would have a dramatic positive impact on the area. In his opinion, the area is a food desert and is in great need for any grocery store. Mr. Walsh further stated his business would be providing financial support for the grocery store. He further stated alcohol sales would be necessary for the store's growth and success long term.

Attorney Rodriguez was given the opportunity to respond or rebut the comments previously given by the interested parties. Attorney Rodriguez believed that the store needs the combination of alcohol and grocery sales to keep the business successful.

Mr. Roszkowski asked if the applicant would be willing to operate under only a packaged beer and wine license. The applicant responded no, at this point they would need full liquor sales.

The full email will be attached to the Code and Regulation committee agenda packet. In part, the objector Michael Gallagher stated the following: "I am a founding member of Northwest Christian Community Development Corp. d/b/a Northwest Neighbors Inc. I am writing to express my own, and our organization's concerns about the current pending request for liquor licensing by A B Food Mart at 3118 N. Rockton Avenue. Alderman Rose has been an active participant since the inception of Northwest Neighbors, Inc. and thus I discussed this potential concern of a liquor only establishment. Alderman Rose explained that he was supportive of the license so long as the business commits to being a fully functioning grocery store. He explained in a meeting with Northwest Neighbors, Inc. that he believes that the City should have some strict guidelines as a part of the liquor license. Our Northwest group leadership agrees. In fact, a full service food store is what is critically needed. Not a "brown bag liquor, lottery, cigarette and whatever" grab and go type business...Thus if this business, apparently with a lease for the space, is that type of potentially successfully food service store, they should be able to prove that they are promoting and selling a full range of grocery style products, with a minimum of 60% or more of their planned business from actual food and other grocery sales."

Mr. Roszkowski gave the applicant the opportunity to respond to the letter from Mr. Gallagher. Attorney Rodriguez reiterated that his client's site plan addresses Mr. Gallagher's concern and the floorplan square footage dedicated to alcohol is in accordance with Mr. Gallagher's proposition, of about 22%. Any other issues mentioned by Mr. Gallagher could be addressed by the city if the issues arise.

Mr. Sockwell addressed the hours. He wanted to clarify the difference between a convenience store and a grocery store. He requested that the hours be limited to better suit a grocery store.

Jennifer Smith addressed the applicant's objection to their unwillingness to accept only a packaged beer and wine license. Ms. Smith believes that some other businesses in the area previously started with a packaged beer and wine license, and then moved up to a full packaged liquor license. She further stated that she would be willing to make a compromise, but if it isn't a possibility, then she may be opposed.

Maurice Redd asked Mr. Capovilla if the board could limit the amount of alcohol sales. Mr. Capovilla said that in the past, the board could make the decision of only allowing a packaged beer and wine license, but the City Council could reverse it.

Ms. Johnsen addressed that she would have no problem with a full liquor license. She thought as a matter of convenience, it would make sense to allow a full packaged liquor license. Mr. Redd agreed with Ms. Johnsen but also thinks the hours of operation should be modified.

Alderman Chad Tuneberg asked to address the board. He stated that there was a similar situation with Northwest Food at the roundabout with a pushback from the neighborhood. Northwest Food initially opened up as a grocery to prove himself to the neighborhood. The owner eventually did a lot of great things for the neighborhood and contributed to the wellbeing of the neighborhood. The grocery store came back a year later and was granted a beer and wine license. Ultimately, after a denial he was granted a beer and wine license and was a great asset to the neighborhood.

Alderman Linda McNeely asked the board to consider the layout of the strip mall. She stated that originally the grocery store was at the Northeast end and now would be located closer to the residential neighborhood. The business previously there could not stay open past 10:00 pm. The grocery store was originally located on the opposite end for a reasons due to the traffic. The number of people going in and coming out would be greater at this location than before.

Attorney Rodriguez responded that they would be willing to limit the hours to 10:00 pm.

A **MOTION** was made by Jennifer Smith to **APPROVE** Sale of packaged liquor in conjunction with a grocery store in a C-2, Limited Commercial Zoning District. The motion was **SECONDED** by Kim Johnsen and **CARRIED** by a vote of 6-1 with Dan Roszkowski voting Nay.

Approval is subject to the following conditions:

1. Meet all Applicable Building and Fire Codes.
2. Compliance with all City of Rockford Liquor Codes.
3. The windows shall not be covered with bars or other devices that block the windows.
4. The hours of operation shall limited to be 8:00 A.M. to 10:00 P.M., Monday through Sunday.
5. The proposed use of the facility is prohibited from having video gaming machines.
6. Any pending general ordinance case(s) must be resolved prior to issuance of the license.
7. All outstanding general ordinances fines must be paid prior to issuance of the license.
8. All conditions must be met prior to establishment of use.
9. The sale of packaged liquor shall be limited to the shelf and floor space as indicated in the revised floor plan and business plan.
10. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed to be easily manufactured into drug paraphernalia is prohibited.
11. There shall be no single serving sales of liquor, beer or wine in volumes of 12 ounces or less.
12. The sale of water pipes and "huka" or "hookah" pipes are prohibited.
13. Window display signage is limited to 20% of window area.
14. The windows shall not be covered by a film.

020-LTAB-052

Applicant
Ward 14

4302 Sandy Hollow Road

Samih Issa Haddad

The sale of tobacco products in conjunction with a grocery store in a C-2, Limited Commercial Zoning District
Laid over from April & May

The applicant, Samih Haddad, was present along with his attorney, George Hampilos. Attorney Hampilos' client is requesting the sale of tobacco products for the property at 4302 Sandy Hollow Road. The subject property is located on the northwest corner of Sandy Hollow Road and Colony Bay Drive intersection. The parcel is surrounded by commercial and industrial uses; however there are residential uses west and north of the subject property.

Attorney Hampilos stated the current operator has a license to sell packaged liquor in conjunction with a grocery store. The store offers fresh produce, drinks, frozen food, deli and dairy products. It would serve the adjacent residential neighborhood. Over the last two years the property has had only 11 police calls. The floor space they are utilizing for tobacco sales would be around five percent (5%). Attorney Hampilos further stated the applicant, Mr. Haddad has experience in the retail and management area. They plan to operate Sunday-Thursday, 8:00 am to 11:00 pm & Friday- Saturday 8:00 am to 12:00 am.

Attorney Hampilos addressed the Staff's denial recommendation due to a tobacco store being located in the same strip. He stated that his client would be purchasing that tobacco store, thus no longer being in conflict with the request for a tobacco license. The applicant's purchase of 360 Tobacco would cause a net tobacco license exposure, in that one tobacco license would be removed from 360 Tobacco and one issued to the applicant.

Jennifer Smith asked why they are adding the tobacco license. Ms. Smith recalled when they originally had applied for the liquor license, they were promoting a different concept of healthy food. Attorney Hampilos responded when they initially made the application, the product line was fresh produce and healthy foods. However, the business next door became available for purchase and his client decided to

buy the assets. The business next door will shut down and then Mr. Haddad will then provide tobacco sales within his store. Thus, they would remove a standalone tobacco store. Assistant City Attorney Lafakeria Vaughn asked if the applicant planned to expand into the location next door. Mr. Haddad stated they are only taking over the assets so the landlord of that property will be able to lease it to someone else.

Staff Recommendation is for Denial. No Objectors or Interested parties were present. No emails were read into the record.

A **MOTION** was made by Kim Johnsen to **APPROVE** the sale of tobacco products in conjunction with a grocery store in a C-2, Limited Commercial Zoning District. The motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 7-0.

Approval is based on the following conditions:

1. Meet all Applicable Building and Fire Codes.
2. Compliance with all City of Rockford Tobacco Codes.
3. The sale of tobacco products shall be limited to the interior floor plan labeled Exhibit E.
4. The hours of operation and days will be 8:00 A.M. to 11:00 P.M. Monday through Thursday and 8:00 A.M. to 12:00 A.M. Friday and Saturday.
5. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed to be easily manufactured into drug paraphernalia is prohibited.
6. The sale of water pipes and "huka" or "hookah" pipes are prohibited.
7. Window display signage is limited to 20% of window area.
8. There shall not be temporary exterior signage.
9. That the windows shall not be covered with bars or other devices that block the windows.
10. The windows shall not be covered by a film.
11. Any pending general ordinance case(s) must be resolved prior to issuance of the license.
12. All outstanding general ordinances fines must be paid prior to issuance of the license.
13. The tobacco license shall not be issued until the tobacco license for 360 Tobacco, located at 4326 Sandy Hollow Road is surrendered.
14. All conditions must be met prior to establishment of use.

020-LTAB-059

Applicant
Ward 13

307 South Main Street

Barbara Juarez / Sisters on Main

Modification of an existing liquor license in conjunction with a restaurant to include video gaming terminals in a C-4, Urban Mixed-Use Zoning District

Laid over from April & May

Attorney John Gilbert was present on behalf of the applicant, Barbara Juarez. The subject property is located on the west side of South Main Street and approximately 65' south of Chestnut. Attorney Gilbert stated they are requesting video gaming for three main reasons. First, customers have been requesting they add gaming machines. Second, the impact of COVID-19 as this would provide them with extra income. Third, the location in downtown is in the heart of an entertainment area. The video gaming would be located toward the rear of the establishment.

Dan Roszkowski asked where exactly the video gaming machines would be located. Attorney Gilbert stated they originally wanted to be located it in the front of the restaurant, but because it is a family restaurant, it will be located toward the back of the restaurant.

Jennifer Smith asked staff about the total number of machines that are allowed for the city. Assistant City Attorney Lafakeria Vaughn stated recent amendments to the liquor code and the host agreement for the casino only allows 600 machines operating at the same time. Further their liquor license was just issued in January of this year.

Tom Fabiano asked if the city has reach the maximum amount of licenses yet, or if there are still licenses available. Attorney Vaughn stated she doesn't have the current numbers available, but stated they are getting close to the limit.

Craig Sockwell asked Attorney Gilbert if the video machines would be located near the bar area. Attorney Gilbert responded it would be located near the bar in a separate glass walled off area. Mr. Sockwell asked how many machines they are requesting. Attorney Gilbert stated five (5) machines.

Staff Recommendation is for Denial. Objectors or Interested parties were present. No emails were read into the record.

Alderman Linda McNeely spoke in support of Sisters on Main. She stated that the business is in her ward and encouraged the board to approve the video gaming request along with their liquor license.

Alderman Venita Hervey inquired further about the location of the machines and stated that with the new hotel opening around the area, Sisters on Main would be a great location for customers to stop and grab a drink and provide entertainment.

A **MOTION** was made by Kim Johnsen to **APPROVE** the Modification of an existing liquor license in conjunction with a restaurant to include three (3) video gaming terminals in a C-4, Urban Mixed-Use Zoning District. The motion was **SECONDED** by Maurice Redd and **CARRIED** by a vote of 7-0.

Approval is based on the following conditions:

1. The premises shall have no more than three (3) video gaming terminals.
2. All previously approved conditions under Ordinance No. 2019-236-O shall apply. However, condition #9 [*The existing restaurant is prohibited from establishing video gaming machines*] is stricken.

020-LTAB-060

Applicant
Ward 11

215 and 217 7th Street

Michael D. McNeely / JJ Fish & Chicken

The sale of liquor by the drink in conjunction with a restaurant and video gaming in a C-4, Urban Mixed-Use Zoning
Laid over from April & May

The applicant, Michael D. McNeely was present, along with his representative Alberta Walker. The subject properties are located on the west side of 7th Street 135 feet north of the 7th Street and 2nd Avenue intersections. The neighborhood is a mixture of commercial with some residential uses. Mrs. Walker stated they are requesting the sale of liquor by the drink in conjunction with video gaming. Mrs. Walker explained the license would increase their business income and provide revenue for the city. JJ Fish & Chicken currently operates at 215 7th Street and would be building out to 217 7th Street. Mrs. Walker further explained that Mr. McNeely has spent a large sum of money updating and renovating the restaurant. The business would like to cater to patrons over the age of 21 who would like a relaxing and calming opportunity to participate in video gaming while enjoying background music, food, and beverages. In addition to the food, Mr. McNeely would like to offer five (5) video machines to his patrons. Mr. McNeely believes that the video gaming machines would offer an additional income to help keep his business open.

Assistant City Attorney Lafakeria Vaughn asked Mrs. Walker to confirm the hours of operation. Mrs. Walker stated the current hours of operations for JJ Fish are Tuesday to Sunday, 11:00 am to 10:00 pm with Sunday closing at 6:00 pm. The proposed hours with the liquor and gaming license would be Monday through Sunday 9:00 am to Midnight. Attorney Vaughn asked if the restaurant would keep the same hours as the requested liquor license hours. Mrs. Walker stated no the restaurants hours would still remain the same.

Attorney Vaughn asked Mrs. Walker if they looked through the staff conditions. Attorney Vaughn stated City staff denied liquor by the drink and gaming, but recommended approval to sell beer and wine by the drink. Mrs. Walker stated that they would like the video gaming considered by the Board. Mrs. Walker stated video gaming would help keep the business revenue flowing in the restaurant.

Dan Roszkowski referred Mrs. Walker to page 4 in regards to the conditions of approval. Mrs. Walker wanted to clarify that it was never their intention to have the restaurant be a lounge or a nightclub. She stated she would change the hours of operation to Monday through Sunday 10:00 am to 11:00 pm. There will be no cover charge, DJ or live entertainment. Mrs. Walker further explained the restaurant has already been established. They purchased the space next to them and there will be an opening that would be created to join the two units and establish one space.

Scott Capovilla stated it would be ideal to have the food and liquor hours the same. Mrs. Walker referenced the change in hours to Tuesday- Sunday: 10:00am to 11:00pm. Kim Johnsen asked if they would be open on Monday. Mrs. Walker stated no, it would be closed for general cleaning.

Jennifer Smith asked if they are requesting five (5) gaming machines. Mrs. Walker stated they are requesting five (5) machines but the space can hold six (6).

Staff Recommendation is for Denial of the sale of Liquor by the drink in conjunction with a restaurant and video gaming but Approval of the sale of Beer and Wine by the drink in conjunction with a restaurant with fifteen (15) conditions. Objectors or Interested parties were present. No emails were read into the record.

Initially, a MOTION was made by Maurice Redd to **LAY OVER** the sale of liquor by the drink in conjunction with a restaurant and video gaming in a C-4, Urban Mixed-Use Zoning District. The motion was **SECONDED** by Craig Sockwell and CARRIED by a vote of 7-0. Then at the end of the meeting, the Applicant requested the item to be heard by the Board. The board had no objection.

A **MOTION** was made by Maurice Redd to **APPROVE** the sale of liquor by the drink in conjunction with a restaurant and video gaming in a C-4, Urban Mixed-Use Zoning District. The motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 7-0.

Approval is based on the following conditions:

1. Must meet all applicable building and fire codes.
2. Compliance with all City of Rockford Liquor Codes.
3. The sale of liquor by the drink shall be limited to submitted Exhibit G.
4. The hours of operation will be limited to 10:00 AM. to 11:00 P.M, Tuesday through Sunday.
5. Window display signage is limited to 20% of window area.
6. The proposed use and facility shall have no more than five (5) video gaming terminals.
7. Window display signage is limited to 20% of window area.
8. The restaurant shall not have a cover charge, dance floor or any DJs.
9. The restaurant shall not have any live entertainment.
10. The restaurant shall not operate as a nightclub.
11. There shall not be temporary exterior signage.

12. The windows shall not be covered with bars or other devices that block the windows.
13. Any pending general ordinance case(s) must be resolved prior to issuance of the license.
14. All outstanding general ordinance fines must be paid prior to the issuance of the license.
15. All conditions must be met prior to establishment of use.

020-LTAB-067

Applicant
Ward 12

1060 West Riverside Boulevard and 3600 North Main Street

Fiesta Tequila of Rockford, Inc.

The sale of liquor by the drink in conjunction with a restaurant and video gaming in a C-2, Limited Commercial Zoning District
Laid over from April & May

The applicant, Rosa and Saul Robles were present. The subject property is located on the southeast corner of Riverside Boulevard and North Main Street. The neighborhood is a mixture of residential and commercial uses. They are requesting for the sale of liquor by the drink and video gaming. Mr. Robles stated they took the business over several months ago. The restaurant is located at the North Town Mall. They have 20 years of experience and their game plan is to offer catering and banquet services for family oriented events. Mr. Robles stated he wanted to clarify some items in the staff recommendation. The proposed hours of operation are Monday - Thursday 11:00 am to 9:30 pm, Friday - Saturday 11:00 am to 11:00 pm. They would like to keep the party room & gaming open until 2:00 am. Sunday would be back to the normal schedule of 11:00 am – 9:30 pm. They are also addressing the neon sign issue to abide by condition #8 in the staff recommendation. Also as far as the service calls, they were mainly for false alarms according to Mr. Robles. They have installed a new security system where they are able to control the security system remotely via mobile telephone.

Dan Roszkowski asked how many square feet is the establishment. Mr. Robles stated the establishment is approximately 3,300 square feet. Mr. Robles stated the floor plan they submitted shows where the gaming area would be located by the reception area behind the restrooms. They choose the reception area because this would allow the employees to have a full view of the gaming area and restrict it from minors.

Jennifer Smith asked if they haven't had any liquor at the restaurant in the past. Attorney Vaughn clarified that this request is due to a change in ownership and they will be taking the business over.

Staff Recommendation is for Denial of the sale of Liquor by the drink in conjunction with a restaurant and video gaming but Approval of the sale of Liquor by the drink in conjunction with a restaurant with seventeen (17) conditions. Objectors or Interested parties were present. No emails were read into the record.

Alderman Venita Hervey asked why the party room would be open until 2:00 am and the proposed hours of operation. She is concerned they would still be open even when there are no parties scheduled. Mr. Robles responded they would still be open. Alderman Hervey stated her objection would be that at that point when no events are being held it becomes a nightclub. Mr. Robles stated they would not have live music or DJ. It would just be open for the bar and gaming, similar to other businesses.

Alderman Hervey asked Attorney Vaughn how it would be appropriate for the restaurant to close the kitchen at a certain time and then for it to remain open until 2:00 am. Attorney Vaughn stated staff agrees with Alderman Hervey, that once the restaurants closes it tends to turn into a nightclub and gaming parlor.

Ms. Smith stated that in the staff report the suggested hours of operation be the same as the kitchen hours so it doesn't operate as a nightclub.

Mr. Robles stated they are willing to compromise on the hours of operation and change it to the restaurant closing at Midnight.

Kim Johnsen stated she would approve with the conditions of modified hours. She clarified with staff if the hours could change to better serve as a restaurant. Mr. Robles responded about his concern with unfair hour restrictions in relation to other businesses. Mr. Robles also asked if a midnight closing time would work for the board.

Ms. Johnsen stated she supports the midnight closing time and the video gaming request. Maurice Redd stated he understands the competitiveness with other businesses and he would open to a compromise of midnight.

Scott Capovilla clarified the Applicant's request and the differences between neighboring businesses. He explained that there are differences between bars, restaurants or hybrids. Attorney Vaughn asked Mr. Robles their expected video gaming revenue. Mr. Robles responded they are looking at 10% for gaming revenue, even with the increase in competition. Attorney Vaughn also asked the applicant to address the ADT alarm system and other security measures. Mr. Robles responded that he is changing the alarm system to complement the fire system and add more cameras. Attorney Vaughn also asked if it has been completed yet. Applicant stated no it has not, but it could be a condition of the application.

Attorney Vaughn inquired whether the applicant reviewed and agreed with the conditions. Mr. Robles responded that he did review and agreed with all conditions, but wanted to compromise on the hours of operation and the video gaming. Mr. Robles further stated that they will pay any outstanding false alarm fines that are owed to the City.

A **MOTION** was made by Jennifer Smith to **DENY** the sale of liquor by the drink in conjunction with a restaurant and video gaming in a C-2, Limited Commercial Zoning District and **APPROVE** the sale of liquor by the drink in conjunction with a restaurant in a C-2, Limited Commercial Zoning District. The motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 4-3 with Kim Johnsen, Maurice Redd and Dan Roszkowski voting Nay.

Approval is based on the following conditions:

1. Must meet all applicable building and fire codes.
2. Compliance with all City of Rockford Liquor Codes.
3. Submittal of a revised interior floor plan for Staff review and approval.
4. The sale of liquor by the drink shall be limited to the revised interior floor plan approved by Staff.
5. The hours of operation will be limited to 11:00 A.M. to 9:30 P.M Monday through Wednesday.
6. The hours of operation will be limited to 11:00 A.M. to 11:00 P.M. Thursday through Saturday
7. The hours of operation will be limited to 11:00 A.M. to 10:00 P.M on Sunday.
8. Window display signage is limited to 20% of window area.
9. The proposed use and facility is prohibited from having any video gaming machines.
10. Submittal of a revised security plan for Staff review and approval.
11. That the windows shall not be covered with bars or other devices that block the windows.
12. The restaurant shall not have a cover charge, dance floor or DJs.
13. The restaurant shall not have live entertainment.
14. The restaurant shall not operate as a nightclub.
15. Any pending general ordinance case(s) must be resolved prior to issuance of the license.
16. All outstanding general ordinance fines must be paid prior to the issuance of the license.
17. All conditions must be met prior to establishment of use.

020-LTAB-068

Applicant
Ward 5

320 Kent Street

Sandra Berumen / Aragona Club

Modification of an existing liquor license to allow liquor by the drink in conjunction with a nightclub, banquet hall and video gaming in an R-2, Two-family Residential Zoning District

The applicants, Sandra Berumen and Oliver Reed were present. Ms. Berumen stated she operates a private club called Aragona located on 320 Kent Street. The subject property is located on the south side of Kent Street just west of South Main Street. The club has three floors and currently only operates on one of the floors. They are requesting to have video gaming for their members and when they have events. Mr. Reed stated the hours of operation would be Monday-Saturday: 10:30 am to 2:00 am & Sunday 12:00 pm to 2:00 am. Their location hosts a variety of events throughout the year such as sweet 16, weddings, baptism, birthday parties, etc. They don't want the Aragona to be a bar or a tavern. The majority of their events are scheduled in advance. The video gaming would be available for their members and for attendees at their various events. Mr. Reed also explained their security plan for the establishment, including licensed security.

Assistant City Attorney Lafakeria Vaughn inquired about clarification of the breakdown of their anticipated revenue. Ms. Berumen responded that the general merchandise revenue comes from renting out linens and hall rentals. They also have alcohol sales.

Attorney Vaughn inquired about the 2017 agreement for security measures, one of them being providing more exterior lighting. Mr. Reed responded they did install additional lighting outside in the front by the street and along the alleyway on the side of the building. This included contacting ComEd to fix some lights near the subject property. They also installed additional cameras on the building. Attorney Vaughn asked if they have worked with Youthbuild on adding a camera on their property facing the front of the Aragona Club. Mr. Reed stated they have been trying to meet but the change at leadership has made it difficult. They plan to work with Youthbuild on installation of the camera.

Attorney Vaughn asked if they are requesting five (5) machines. Mr. Reed stated that was correct. Mr. Vaughn asked if they have any additional safety concerns or changes they wanted to address. Mr. Reed stated they made changes with their security by securing the outside of the building. They have security guards, lighting and cameras.

Staff Recommendation is for Denial. Objectors or Interested parties were present. One email was read into the record.

Alderman Venita Hervey stated she doesn't want this property to be another vacant building and it has been a private club for ages. Alderman Hervey further stated she wanted to see the Aragona become a broader private club and she is aware of major issues in the past. Alderman Hervey asked if they can have events open to the public, with the elimination of S permits. Attorney Vaughn responded they would have to apply for a special event permit, which they have had done in the past. Alderman Hervey also asked for clarification on the "nightclub" description. Scott Capovilla stated the Special Use Permit allows the Aragona to have events, as well as large gatherings.

Alderman Hervey asked staff what their concerns were for approving or denying this permit. Attorney Vaughn stated their concerns were the security, past violent activity and the services calls. Alderman Hervey stated her concern was the parking situation. Alderman Hervey said there is a lack of on-site parking and would like to see additional parking provided.

Alderman Hervey asked the applicants if they have the capability to cater more food with the expanded hours. Mr. Reed responded that it is something they are willing to establish in the future. He stated in the past they have catered food with special events. Alderman Hervey asked if they had an operating kitchen

at the club. Mr. Reed stated they do not. They just have a Class 1 Food permit from the Winnebago County health department.

Jennifer Smith asked about the hours of operation and Ms. Berumen clarified the hours of operation. They will be in accordance with the liquor code.

Attorney Vaughn stated she had an objector via email. The full email will be attached to the Code and Regulation committee agenda packet. The objector SPM Holdings stated the following: "The club as it is only continues to add blight to our area, we already have enough bars in the area including. As the Aragona club sits now they have done a very poor job of keeping glass bottles, cans, paper, and in general " garbage " from littering the alley next to them. There is not enough parking spaces to fulfill a greater demand for customer's thus causing there current patrons to illegally park and block alley businesses. Being feet away from a residential house and close proximity to other residential houses, I find this to be a potentially dangerous situation for neighborhood public and children Past numerous police calls to the club has proven poor ability of the clubs management style to control patrons."

Mr. Reed responded to the comments in the email. He stated that there is trash outside the alley way and the streets connecting to the club. Mr. Reed further explained they have staff and volunteers that walk along the street picking up the trash after events. He also referenced service calls and they had a reduction of 68% from 2012-2019.

Maurice Redd asked about the average number of patrons they typically have. Mr. Reed responded that they have about 70 patrons a day, over 7 days a week. They have 246 members. Ms. Berumen also stated they work closely with the Rockford Police Department.

Craig Sockwell stated he would support the video gaming request, especially since they have the square footage. Jennifer Smith stated that she thinks it is a good idea if the Police Department goes out to check out the security cameras.

A **MOTION** was made by Kim Johnsen to **APPROVE** the Modification of an existing liquor license to allow liquor by the drink in conjunction with a nightclub, banquet hall and video gaming in an R-2, Two-family Residential Zoning District. The motion was **SECONDED** by Maurice Redd and **CARRIED** by a vote of 7-0.

Approval is based on the following conditions:

1. Meet all Applicable Building and Fire Codes.
2. Compliance with all City of Rockford Liquor Codes.
3. The hours of operation will be limited to that allowed by the City of Rockford Liquor Code.
4. The licensed premises shall have no more than five (5) video gaming terminals.
5. Window display signage is limited to 20% of window area.
6. There shall not be any temporary exterior signage.
7. The windows shall not be covered with bars or other devices that block the windows.
8. The windows shall not be covered by a film.
9. Any pending general ordinance case(s) must be resolved prior to issuance of the license.
10. All outstanding general ordinance fines must be paid prior to the issuance of the license.
11. All conditions must be met prior to establishment of use.

20-LTAB-069

Applicant
Ward 14

6363 East State Street

Gold Standard Enterprises, Inc. dba Binny's Beverage Depot
The sale of packaged liquor in conjunction with a retail store in a C-2,
Limited Commercial Zoning District

The Applicant, Walter Fornek was present along with Bradley Stein, representing Binny's Beverage Depot. The subject property is located on the south side of East State Street and west of South Trainer Road. The subject property is one of several tenant spaces located within the Forest Plaza. Mr. Fornek stated the company has been in business for 70 years. They have locations all over Illinois and have been looking for a location in Rockford for some time. They offer a variety of craft beers liquor and a superior wine selection.

The Applicant inquired why they weren't being considered for a tobacco license. Attorney Vaughn clarified that it was because an application was not submitted for a tobacco license.

Attorney Vaughn asked if they reviewed the staff report and agreed to the conditions of approval. Mr. Fornek stated he did review and agreed to all the conditions. Mr. Fornek asked for clarification on the general ordinance fines. Attorney Vaughn responded that it was a standard condition and they did not have any outstanding fines.

Staff Recommendation is for Approval with eight (8) conditions. Objectors or Interested parties were present. No emails were read into the record.

Alderman Chad Tuneberg stated he is excited about the Binny's opening because it reminds him of Chicago where he lived in for a long time before coming back to Rockford. He is excited to have Binny's here in the Rockford area.

A **MOTION** was made by Tom Fabiano to **APPROVE** the sale of packaged liquor in conjunction with a retail store in a C-2, Limited Commercial Zoning District. The motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 7-0.

Approval is based on the following conditions:

1. Must meet all applicable Building and Fire Codes.
2. Compliance with all City of Rockford Liquor Codes.
3. The windows shall not be covered with bars or other devices that block the windows.
4. The hours of operation shall be limited to Monday through Saturday 9:00 a.m. to 9:00 p.m. and Sunday 10:00 a.m. to 6:00 p.m.
5. The proposed use and facility is prohibited from having any video gaming machines.
6. Any pending general ordinance case(s) must be resolved prior to issuance of the license.
7. All outstanding general ordinance fines must be paid prior to issuance of the license.
8. All conditions must be met prior to establishment of use.

20-LTAB-070

Applicant
Ward 3

1706 Rural Street

Samer Alsagaf / Corner Mini Mart, LLC dba Corner Mini Mart
The sale of tobacco products in conjunction with a grocery and convenience store in a C-2, Limited Commercial Zoning District

A **MOTION** was made by Maurice Redd to **LAY OVER** the sale of tobacco products in conjunction with a grocery and convenience store in a C-2, Limited Commercial Zoning District. The motion was **SECONDED** by Jennifer Smith and **CARRIED** by a vote of 7-0.

20-LTAB-071

Applicant
Ward 8

4419 Charles Street

Dimitrios Kalaitzakis / Zipcode, Inc. dba Pink Pony Pizza and Pub
The sale of liquor by the drink in conjunction with a restaurant, tavern and video gaming in a C-2, Limited Commercial Zoning District

A **MOTION** was made by Maurice Redd to **LAY OVER** the sale of liquor by the drink in conjunction with a restaurant, tavern and video gaming in a C-2, Limited Commercial Zoning District. The motion was **SECONDED** by Jennifer Smith and **CARRIED** by a vote 7-0.

20-LTAB-072

Applicant
Ward 3

1132 Auburn Street

JaJaJa Hospitality, Inc. dba Der Rathskeller

The sale of liquor by the drink in conjunction with a restaurant and an outdoor beer garden in a C-2, Limited Commercial Zoning District

Jonathan Reese was present, along with his business partner Jonathan Griffin. Mr. Reese wants to re-open a Rockford tradition, Der Rathskeller, by remodeling the interior building along with opening an outdoor beer garden. Mr. Reese stated this is a great location to eat and have a drink. The subject property is located on the southeast corner of Toner Avenue and Auburn Street. The subject property is mostly surrounded by commercial uses and some residential uses.

Attorney Vaughn asked if they read the staff report and conditions. Mr. Reese stated they did read the conditions and would like to discuss the conditions specifically the hours of operation and the billboard. Mr. Griffin stated they would like to modify the hours. The proposed hours of operation are 7:00 A.M. to 11:00 P.M. on Sunday through Thursday, and 7:00 A.M. to midnight on Friday and Saturday. Mr. Reese stated they have a concern on condition #10 to remove the billboard because of easement documents they received. Mr. Reese stated they agree with staff on removing the billboard. He is willing to work with the City and on the steps they need to take to get it removed.

Mr. Reese stated he understands there is a sign ordinance and inquired when the most recent ordinance was implemented. Scott Capovilla stated it was April of 2008 and prior to that 1993. Mr. Capovilla proposed replacing condition 10 with the following: "Applicant will work with Staff on an agreement to remove the billboard by July 31, 2023 or at such time as the easement can be released and the billboard removed." Mr. Reese and Mr. Griffin agreed to this revised condition.

Mr. Capovilla stated he would work with Attorney Vaughn regarding the billboard and they would review the documents provided by Mr. Reese regarding the billboard easement rights. Mr. Capovilla further stated that they would work on a plan to hopefully remove the billboard. Mr. Reese responded that would be great as they would also like to see it removed.

Staff Recommendation is for Approval with ten (10) conditions. Objectors or Interested parties were present. No emails were read into the record.

Alderman Chad Tuneberg spoke in support of the applicant. Alderman Tuneberg mentioned that the City and neighborhood is ecstatic that the business is coming.

A **MOTION** was made by Jennifer Smith to **APPROVE** the sale of liquor by the drink in conjunction with a restaurant and an outdoor beer garden in a C-2, Limited Commercial Zoning District amending the hours of operation and eliminating two conditions. The motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 7-0.

Approval is based on the following conditions:

1. Meet all Building and Fire Codes.
2. Compliance with all City of Rockford Liquor Codes.
3. The hours of operation will be limited to 7:00 A.M. to 11:00 P.M. on Sunday through Thursday, and 7:00 A.M. to midnight on Friday and Saturday.
4. Window display signage is limited to 20% of window area.

5. That the windows shall not be covered with bars or other devices that block the windows.
6. The restaurant shall not have a cover charge, dance floor or any DJs.
7. The restaurant shall not operate as a nightclub.
8. Applicant will work with Staff on an agreement to remove the billboard by July 31, 2023 or at such time as the easement can be released and the billboard removed.
9. The proposed use and facility is prohibited from having any video gaming machines.
10. All conditions must be met prior to establishment of use.

With no further business to come before the Board, the meeting was adjourned at 11:40 PM.

Respectfully submitted,
Leisha Kury, Administrative Assistant
Lafakeria S. Vaughn, Assistant City Attorney
Liquor and Tobacco Advisory Board